

JOURNAL OF THE HOUSE.

Thursday, October 13, 2005.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God, Our Creator, during this moment of personal reflection and prayer, we turn our thoughts to You and to the relevance of human and spiritual values. By following Your ways and guidance, we are empowered to make right and just decisions and choices. Today, the Jewish Community, our Jewish associates and friends, are observing Yom Kippur, the Day of Atonement. The theme of the day is of repentance, prayer and adjustments in forming and reaching personal goals and priorities. On this day, we ought to join in this spiritual process, which help us and all people to reach our final destiny.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Festa of Melrose.

A statement of Mr. Festa of Melrose was spread upon the records of the House, as follows:

Statement of Representative Festa of Melrose.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for a portion of the sitting of Tuesday last due to personal circumstances that were unavoidable. Any roll calls that I may have missed that day was due entirely to the reason stated. If present for the taking of roll call number 229 (on adoption of House order No. 4430), on the overrides on House, No. 4370, amended, roll calls 230 (Item 1599-4123), 231 (Item 1599-4124) and 232 (Section 12) I would have voted in the affirmative, in each instance. I would have voted in the negative on roll call number 228 (on the question on adoption of an amendment to House order No. 4430).

Distinguished Guests of the House.

Hokkaido, Japan.

During the session, the Chair (Mr. Donato of Medford) declared a brief recess and introduced a delegation from the Prefecture of Hokkaido, Japan. The delegation was visiting as part of a celebration of the fifteenth year anniversary of the sister state relationship between Hokkaido and the Commonwealth. Included in the delegation were Vice Governor Yoshizawa; Mr. Takahashi, Speaker of the Legislative Assembly; and Mr. Kambe. The Chair (Mr. Donato) then turned the gavel over to Vice Governor Yoshizawa, who addressed the House briefly. They were the guests of Speaker DiMasi of Boston and Representative Bosley of North Adams.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Miceli of Wilmington and Murphy of Burlington) honoring Chief Robert H. Spencer on his retirement from the Wilmington Police Department;

Robert H. Spencer.

Resolutions (filed by Mr. Stanley of Waltham) recognizing Pregnancy and Infant Loss Awareness Day in Massachusetts; and

Pregnancy and Infant Loss Awareness Day.

Resolutions (filed by Mr. Verga of Gloucester) on the occasion of the one hundred and seventy-fifth anniversary of the First Baptist Church of Gloucester;

Gloucester, First Baptist Church.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Stanley, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

A communication from the Commissioner of Banks (under Section 14 of Chapter 167 of the General Laws) submitting proposed regulations governing community reinvestment and financial institutions (House, No. 4439) was referred to the committee on Financial Services. Sent to the Senate for concurrence.

Community reinvestment.

The following communications were read for the information of the House:

Communications

From the Human Resources Division of the Executive Office of Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked since January, 2002; and

Public safety promotional lists.

From Plainridge Racecourse (under Section 2 of Chapter 128C of the General Laws) submitting copies of contracts for the simulcasting of certain races;

Plainridge Racecourse, simulcasting contracts.

Severally placed on file.

Annual Report.

The annual report of the Economic Stabilization Trust (under the provisions of Section 14 of Chapter 23D of the General Laws) for the fiscal year 2005, was placed on file.

Economic Stabilization Trust.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, petition (accompanied by bill, House, No. 4432) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) for legislation to regulate certain licenses for the sale of alcoholic beverages to be drunk on the premises in the town of Hingham. To the committee on Consumer Protection and Professional Licensure.

Hingham, alcohol licenses.

Hingham,  
loans.

By the same member, petition (accompanied by bill, House, No. 4433) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) relative to temporary loans and the assessment of betterments in the town of Hingham. To the committee on Municipalities and Regional Government.

Hingham,  
Donald  
Lincoln.

By the same member, petition (accompanied by bill, House, No. 4434) of Garrett J. Bradley and Robert L. Hedlund (by vote of the town) that the retirement board of the town of Hingham be directed to grant certain creditable service to Donald Lincoln. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Fuel tax,  
cities and  
towns.

Mr. Jones of North Reading presented a petition (subject to Joint Rule 12) of Bradley H. Jones, Jr., and others for legislation to exempt cities and towns from the tax imposed on the sale of fuel; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Golden of Lowell, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Revenue. Sent to the Senate for concurrence.

Heating  
energy,  
assistance.

Representatives DiMasi of Boston and Dempsey of Haverhill and Senators Travaglini and Morrissey presented a joint petition (subject to Joint Rule 12) of Thomas M. Petrolati and others relative to heating energy assistance and relief; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Golden of Lowell, the report was considered forthwith. Joint Rule 12 was suspended; and the joint petition (accompanied by bill) was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

History,  
teaching.

Petitions severally were presented and referred as follows:

By Mrs. Canavan of Brockton, petition (subject to Joint Rule 12) of Civil War Roundtable of Greater Boston and others for legislation to require field trips to historic sites for public school students enrolled in history and civic classes.

Youth  
Services,  
Group 4.

By Mr. Carron of Southbridge, petition (subject to Joint Rule 12) of Mark J. Carron that youth service program officers of the Department of Youth Services be placed in Group 4 of the public employees retirement law.

Parole  
officers,  
Group 4.

By the same member, petition (subject to Joint Rule 12) of Mark J. Carron that transitional parole officers of the Parole Board be placed in Group 4 of the public employees retirement law.

Property  
taxes, ballot  
initiatives.

By Mr. Casey of Winchester, petition (subject to Joint Rule 12) of Paul C. Casey, Richard R. Tisei and Patrick M. Natale for legisla-

tion to further regulate property tax ballot initiatives in the cities and towns of the Commonwealth.

By Mr. DiMasi of Boston, petition (subject to Joint Rule 12) of Salvatore F. DiMasi that the Division of Capital Asset Management and Maintenance be authorized to transfer a certain parcel of land adjacent to Merrimac Street in the city of Boston.

Boston,  
Merrimac  
Street.

By Mr. Hill of Ipswich, petition (subject to Joint Rule 12) of Bradford Hill relative to the punishment of habitual offenders.

Offenders,  
punishment.

By Mr. Kane of Holyoke, petition (subject to Joint Rule 12) of Michael F. Kane and Michael R. Knapik that the Department of Correction be directed to establish a sick leave bank for Barry Conway, an employee of the sheriff's department of Hampden County.

Barry  
Conway,  
sick leave.

By Ms. Kaprielian of Watertown, petition (subject to Joint Rule 12) of Rachel Kaprielian and Steven A. Tolman relative to increasing retirement allowances for certain public employees retired on account of superannuation.

Retirement  
benefits,  
increasing.

By Mr. Koutoujian of Waltham, petition (subject to Joint Rule 12) of Peter J. Koutoujian relative to the creation of family justice centers to assist victims of abuse in certain court jurisdictions.

Family  
justice  
centers.

By Mr. Lepper of Attleboro, petition (subject to Joint Rule 12) of John A. Lepper for legislation to establish a sick leave bank for Michael German, an employee of the Department of Mental Retardation.

Michael  
German,  
sick leave.

By Mr. Miceli of Wilmington, petition (subject to Joint Rule 12) of James R. Miceli relative to the issuance of motor vehicle registration plates to certain disabled veterans.

Disabled  
veterans,  
license  
plates.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick and others relative to benefits for members of the National Guard exposed to depleted uranium in the Persian Gulf War and the current conflict in Iraq.

National  
Guard,  
hazardous  
exposures.

By Mr. Petersen of Marblehead, petition (subject to Joint Rule 12) of Douglas W. Petersen for legislation to further regulate mooring fees imposed by cities and towns in the Commonwealth.

Mooring  
fees.

By Mr. Speliotis of Danvers, petition (subject to Joint Rule 12) of Robert MacDonald and others for legislation to authorize certain veterans to use facilities of the Massachusetts Bay Transportation Authority and regional transit authorities without cost to such veterans.

Veterans,  
transportation.

By Mr. Walsh of Lynn, petition (subject to Joint Rule 12) of Steven M. Walsh and Thomas A. Golden, Jr., relative to the safeguarding and monitoring of prescription drugs by the Department of Public Health and the diversion investigation unit of the Division of State Police.

Prescription  
drugs,  
safeguarding.

Severally, under Rule 24, to the committee on Rules.

#### *Papers from the Senate.*

A Bill further regulating horse and greyhound racing and associated gaming (Senate, No. 2227) (on Senate bill, No. 2215), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Lottery  
and gaming  
commission,  
establish.

Joint  
session.

The following order was adopted, in concurrence:  
*“Ordered*, That a joint session of the two branches be held at 11:00 a.m. on October 19, 2005, in the chamber of the House of Representatives for the purpose of commemorating the three hundred seventy-fifth anniversary of the first session of the general court.”.

Voting  
rights.

A petition of Edward M. Augustus, Jr., and Anthony Petrucci for legislation to strengthen voting rights and voter confidence in the Commonwealth’s elections, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Election Laws.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2234) was referred, in concurrence, to the committee on Election Laws.

Turnpike  
Authority,  
annual  
report.

The annual report of the Massachusetts Turnpike Authority (under the provisions of Section 20 of Chapter 81A of the General Laws) for fiscal year 2004, was spread upon the records of the House; and returned to the Senate.

#### *Reports of Committees.*

Taunton,  
Parker Golf  
Course.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on Senate, No. 2111 and House, No. 4225, a Bill authorizing the city of Taunton to lease certain recreational land (House, No. 4225) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Bosley of North Adams, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, asking to be discharged from further consideration

Wines,  
shipment.

Of the petition (accompanied by bill, Senate, No. 163) of Robert A. O’Leary, Susan W. Pope, Scott P. Brown, Richard T. Moore and other members of the General Court for legislation relative to the shipment of wine,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure;

Regional  
and local  
planning.

Of the petition (accompanied by bill, House, No. 3144) of Kevin G. Honan for an investigation and study (including members of the General Court) relative to regional and local planning in the Commonwealth,— and recommending that the same be referred to the committee on Housing; and

State,  
county  
fairs,  
racing.

By Mr. Turkington of Falmouth, for the committee on Tourism, Arts and Cultural Development, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1837) of Robert S. Creedon, Jr., Thomas P. Kennedy, Geraldine Creedon and Christine E. Canavan for legislation relative to state

and county fairs,— and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on House, Nos. 1469, 1470, 1474, 1475, 3541, 3542, 3665, 3666, 3667, 3668, 3669, 3670, 3674, 3676, 3686, 3872, 3873 and 3874, an Order relative to authorizing the committee on Community Development and Small Business to make an investigation and study of certain House documents concerning community development and small business issues (House, No. 4431). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Community  
development  
issues.

Subsequently Mr. Scaccia of Boston, for said committees, reported asking to be discharged from further consideration of said order; and recommending that the same be referred to the House committee on Rules.

Under Rule 42, the report was considered forthwith; and it was accepted.

By Ms. Balser of Newton, for the committee on Mental Health and Substance Abuse, on a petition, a Bill relative to reimbursement for drugs to treat mental illness (House, No. 1608).

Mental  
illness,  
reimbursement.

By the same member, for the same committee, on a petition, a Bill to require equitable payment from the Commonwealth (House, No. 1610) [Cost: \$2,280,000.00].

Equitable  
payment.

Severally read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on a petition, a Bill to enhance economic development (House, No. 3671). Read; and referred, under Joint Rule 1F, to the committee on Bonding, Capital Expenditures and State Assets.

Economic  
development.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, that the Resolve reviving and continuing the special commission on middle education in the Commonwealth (House, No. 4393) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Middle  
education,  
commission.

By Mr. Torrissi of North Andover, for the committee on Community Development and Small Business, on a petition, a Bill to facilitate community development projects (House, No. 1471).

Community  
development  
projects.

By the same member, for the same committee, on House, Nos. 3672 and 3678, a Bill relative to information provided by pet shops (House, No. 3672).

Pet shops,  
pet care  
information.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Sewer  
assessments.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, that the recommitted Bill relative to the redetermination of municipal sewer assessments (Senate, No. 1203) ought to pass with an amendment substituting therefor a Bill with the same title (House, No. 4435). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Small  
businesses,  
property tax.

By Mr. Torrisi of North Andover, for the committee on Community Development and Small Business, on Senate, No. 172 and House, No. 1472, a Bill relative to the property tax classification of small businesses (House, No. 1472).

Metropolitan  
Area Council.

By the same member, for the same committee, on a petition, a Bill amending the membership of the Metropolitan Area Planning Council (House, No. 3143).

Milk.

By the same member, for the same committee, on a petition, a Bill relative to milk control law transactions (House, No. 3711).

Pembroke,  
borrowing  
of money.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill authorizing the town of Pembroke to borrow certain sums of money (printed as Senate, No. 1193) [Local Approval Received].

School  
buses,  
safety  
belts.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, Nos. 1907, 1932 and 1957, a Bill requiring safety belts for passengers on public school buses (House, No. 4436).

Salisbury,  
police  
chief.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill exempting the position of chief of police in the town of Salisbury from the civil service law (House, No. 4257) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

#### *Emergency Measure.*

Bourne,  
land  
transfer.

The engrossed Bill authorizing the Department of Highways to acquire and transfer certain parcels of land in the town of Bourne (see Senate, No. 2078), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

#### *Orders of the Day.*

Third  
reading  
bill.

The Senate Bill granting certain retirement and health insurance benefits to Dale S. Prentiss (Senate, No. 2175), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

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The House Bill establishing an affordable housing trust fund in the town of Wellfleet (House, No. 4094), reported by the committee on

Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

#### *Recess.*

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Bosley of North Adams (Mr. Donato of Medford being in the Chair), the House recessed until twelve o'clock noon; and at fourteen minutes after twelve o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

#### *Engrossed Bill.*

The engrossed Bill establishing a town manager for the town of Braintree (see Senate, No. 2157, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill  
enacted.

#### *Recess.*

At a quarter after twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House recessed until half past one o'clock P.M.; and at twenty-one minutes before three o'clock the House was called to order with Mr. Donato in the Chair.

Recess.

#### *Reports of Committees.*

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Arthur J. Broadhurst for legislation to clarify the relationship of real estate brokers and salespersons. To the committee on Consumer Protection and Professional Licensure.

Real estate  
brokers.

Petition (accompanied by bill) of Bradley H. Jones, Jr., and others for an appropriation of a certain sum of money for the promotion of energy efficiency in the Commonwealth. To the committee on Telecommunications, Utilities and Energy.

Energy  
efficiency,  
funding.

Under suspension of the rules, on motion of Mr. Golden of Lowell, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

#### *Order.*

On motion of Mr. DiMasi of Boston,—  
*Ordered*, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next  
sitting.

At nineteen minutes before three o'clock P.M., on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.